

ADRMOP, CLOSED, E-Filing, PRVADR, TRANSF

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:07-cv-04943-MHP
Internal Use Only**

Fireman's Fund Insurance Company v. United National
Insurance Company

Assigned to: Hon. Marilyn H. Patel

Case in other court: Marin County Superior Court, CV
073974

Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 09/24/2007

Date Terminated: 08/22/2008

Jury Demand: Defendant

Nature of Suit: 110 Insurance

Jurisdiction: Diversity

Plaintiff

Fireman's Fund Insurance Company

represented by **Christopher Jay Borders**
Hinshaw & Culbertson LLP
One California Street, 18th Floor
San Francisco , CA 94111
(415) 362-6000
Fax: (415) 834-9070
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

V.

Defendant

United National Insurance Company

represented by **James Christian Nielsen**
Nielsen Haley & Abbott LLP
44 Montgomery Street
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 San Francisco , CA 94104
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 Fax: 415-693-9674
 Email: tnienow@nielsenhaley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

3rd party defendant

Interstate Fire & Casualty Company

represented by **Casey Ann Hatton**
 (See above for address)
ATTORNEY TO BE NOTICED

Christopher Jay Borders
 (See above for address)
ATTORNEY TO BE NOTICED

Counter-claimant

United National Insurance Company

V.

Counter-defendant

Fireman's Fund Insurance Company

represented by **Christopher Jay Borders**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Casey Ann Hatton
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/24/2007	<u>1</u>	NOTICE OF REMOVAL /no process from Marin County Superior Court. Their case number is CV 073974. (Filing fee \$350 receipt number 34611010770). Filed byUnited National Insurance Company. (ga, COURT STAFF) (Filed on 9/24/2007) (Additional attachment(s) added on 8/29/2008: # <u>1</u> Notice of Removal) (gba, COURT STAFF). (Entered: 09/27/2007)
09/24/2007	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 12/26/2007. Case Management Conference set for 1/2/2008 10:30 AM.. Signed by Judge James Larson on 9/24/07. (Attachments: # <u>1</u> Judge Standing

		Order# 2 Court Standing Order# 3 Consent/Decline Form)(ga, COURT STAFF) (Filed on 9/24/2007) (Entered: 09/27/2007)
09/24/2007		CASE DESIGNATED for Electronic Filing. (ga, COURT STAFF) (Filed on 9/24/2007) (Entered: 09/27/2007)
09/28/2007	3	CERTIFICATE OF SERVICE by United National Insurance Company (Nienow, Thomas) (Filed on 9/28/2007) (Entered: 09/28/2007)
10/01/2007	4	ANSWER TO COUNTERCLAIM <i>Answer and Counterclaim of United National Ins. Co. Demand for Jury Trial</i> , COUNTERCLAIM against Fireman's Fund Insurance Company byUnited National Insurance Company. (Nienow, Thomas) (Filed on 10/1/2007) (Entered: 10/01/2007)
10/01/2007	5	Certificate of Interested Entities by Thomas Harvey Nienow <i>Certification as to Interested Parties</i> (Nienow, Thomas) (Filed on 10/1/2007) (Entered: 10/01/2007)
10/10/2007		Summons Issued as to Interstate Fire & Casualty Company. (ga, COURT STAFF) (Filed on 10/10/2007) (Entered: 10/10/2007)
11/05/2007	6	ANSWER TO COUNTERCLAIM 4 Answer to to CounterClaim, <i>Counterclaim of United National Insurance Company</i> byFireman's Fund Insurance Company. (Hatton, Casey) (Filed on 11/5/2007) (Entered: 11/05/2007)
12/05/2007	7	STIPULATION <i>To Amend Answer to CounterClaim</i> by Fireman's Fund Insurance Company, Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 12/5/2007) (Entered: 12/05/2007)
12/05/2007	8	ANSWER TO COUNTERCLAIM <i>Amended</i> byFireman's Fund Insurance Company, Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 12/5/2007) (Entered: 12/05/2007)
12/11/2007	9	Declination to Proceed Before a U.S. Magistrate Judge by United National Insurance Company <i>and Request for Reassignment to a United States District Judge</i> . (Nienow, Thomas) (Filed on 12/11/2007) (Entered: 12/11/2007)
12/12/2007	10	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (wh, COURT STAFF) (Filed on 12/12/2007) (Entered: 12/12/2007)
12/13/2007	11	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Marilyn H. Patel for all further proceedings. Judge Magistrate Judge James Larson no longer assigned to the case. Signed by Executive Committee on 12/13/07. (mab, COURT STAFF) (Filed on 12/13/2007) (Entered: 12/13/2007)
12/18/2007	12	CLERK'S NOTICE: Joint Case Management Statement due by 2/1/2008. Case Management Conference set for 2/11/2008 04:00 PM before the Hon. Marilyn Hall Patel; (awb, COURT-STAFF) (Filed on 12/18/2007) (Entered: 12/18/2007)
01/04/2008	13	STIPULATION <i>TO CONTINUE CASE MANAGEMENT CONFERENCE</i> by Fireman's Fund Insurance Company. (Hatton, Casey) (Filed on 1/4/2008)

		(Entered: 01/04/2008)
01/08/2008	14	ORDER Approving re 13 Stipulation filed by Fireman's Fund Insurance Company Initial Case Management Conference continued to 3/3/2008 04:00 PM.. Signed by Judge Marilyn Hall Patel on 1/7/08. (fj, COURT STAFF) (Filed on 1/8/2008) (Entered: 01/08/2008)
01/08/2008		Set/Reset Hearings: Initial Case Management Conference set for 3/3/2008 04:00 PM. (fj, COURT STAFF) (Filed on 1/8/2008) (Entered: 01/08/2008)
01/08/2008		(Court only) ***2/11/08 Deadlines terminated. (fj, COURT STAFF) (Filed on 1/8/2008) (Entered: 01/08/2008)
02/11/2008	15	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>ADR Certification by Parties and Counsel</i> (Nienow, Thomas) (Filed on 2/11/2008) (Entered: 02/11/2008)
02/14/2008	16	ADR Clerks Notice re: Non-Compliance with Court Order. (tjs, COURT STAFF) (Filed on 2/14/2008) (Entered: 02/14/2008)
02/14/2008	17	STIPULATION and Proposed Order selecting Private ADR by Fireman's Fund Insurance Company (Hatton, Casey) (Filed on 2/14/2008) (Entered: 02/14/2008)
02/19/2008	18	ORDER REFERRING CASE to Private ADR 17 Stipulation. Signed by Judge Marilyn Hall Patel on 2/15/08. (fj, COURT STAFF) (Filed on 2/19/2008) (Entered: 02/19/2008)
02/25/2008	19	JOINT CASE MANAGEMENT STATEMENT filed by United National Insurance Company, Fireman's Fund Insurance Company, Interstate Fire & Casualty Company. (Hatton, Casey) (Filed on 2/25/2008) (Entered: 02/25/2008)
03/03/2008	20	Minute Entry: Initial Case Management Conference held on 3/3/2008 before Marilyn H. Patel (Date Filed: 3/3/2008). Cross Motions for Summary Judgment Hearing set for 8/18/2008 02:00 PM in Courtroom 15, 18th Floor, San Francisco. Cross Motions due by 7/21/2008. Amended Pleadings due by 3/18/2008. Responses due by 8/4/2008. No replies. No more than two depositions per side before filing motions. (Court Reporter Connie Kuhl.) (tl, COURT STAFF) (Date Filed: 3/3/2008) (Entered: 03/04/2008)
03/26/2008	21	STIPULATION and [Proposed] Order to Amend Pleadings and Deem Counterclaim Against Fireman's Fund Insurance Company Dismissed by United National Insurance Company. (Hatton, Casey) (Filed on 3/26/2008) (Entered: 03/26/2008)
03/27/2008	22	STIPULATION AND ORDER AMENDING PLEADINGS: See order for more details; Signed by Judge Marilyn Hall Patel on 3/27/2008. (awb, COURT-STAFF) (Filed on 3/27/2008) (Entered: 03/27/2008)
06/20/2008	23	NOTICE by United National Insurance Company <i>Notice of Motion and Motion by United National for Leave to Amend Counterclaim; Memorandum</i> (Attachments: # 1 Signature Page (Declarations/Stipulations) Declaration of Thomas Nienow in Support of United National's Motion for Leave to Amend

		Counterclaim, # 2 Proposed Order [Proposed] Order Granting United National's Motion for Leave to Amend Counterclaim)(Nienow, Thomas) (Filed on 6/20/2008) (Entered: 06/20/2008)
06/25/2008	24	MOTION to Amend/Correct, MOTION for Leave to File <i>Amend Counterclaim; Memorandum</i> filed by United National Insurance Company. Motion Hearing set for 8/18/2008 02:00 PM in Courtroom 15, 18th Floor, San Francisco. (Nienow, Thomas) (Filed on 6/25/2008) (Entered: 06/25/2008)
06/25/2008	25	Declaration of Thomas H. Nienow in Support of 24 MOTION to Amend/Correct MOTION for Leave to File <i>Amend Counterclaim; Memorandum</i> filed by United National Insurance Company. (Related document(s) 24) (Nienow, Thomas) (Filed on 6/25/2008) (Entered: 06/25/2008)
06/25/2008	26	Proposed Order re 24 MOTION to Amend/Correct MOTION for Leave to File <i>Amend Counterclaim; Memorandum</i> , 25 Declaration in Support by United National Insurance Company. (Nienow, Thomas) (Filed on 6/25/2008) (Entered: 06/25/2008)
07/21/2008	27	MOTION for Summary Judgment by Interstate Fire & Casualty Company by Christopher Jay Borders (Borders, Christopher) (Filed on 7/21/2008) Modified on 7/23/2008 (gba, COURT STAFF). (Entered: 07/21/2008)
07/21/2008	28	Renotice motion hearing <i>Memorandum of Law in Support of Interstate Fire & Casualty Company's Motion for Summary Judgment</i> filed by Interstate Fire & Casualty Company. Motion Hearing set for 8/18/2008 02:00 PM in Courtroom 15, 18th Floor, San Francisco. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	29	Declaration of Jennifer Green <i>in Support of Interstate Fire & Casualty Company's Motion for Summary Judgment</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	30	OBJECTIONS to <i>Interstate Fire & Casualty Company's Objection to United National's Use of Privileged Settlement Communications</i> by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	31	Joinder <i>Joint Statement of Undisputed Facts</i> by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	32	EXHIBITS <i>Exhibit A to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	33	EXHIBITS <i>B (part one) to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	34	EXHIBITS <i>Exhibit B (part 2) to Joint Statement of Undisputed Facts</i> filed

		byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>35</u>	EXHIBITS <i>Exhibit C to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>36</u>	EXHIBITS <i>Exhibit D to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>37</u>	EXHIBITS <i>Exhibit D to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>38</u>	EXHIBITS <i>Exhibit E to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>39</u>	EXHIBITS <i>Exhibit F to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>40</u>	EXHIBITS <i>Exhibit G to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>41</u>	EXHIBITS <i>Exhibit H to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>42</u>	EXHIBITS <i>Exhibit I to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>43</u>	EXHIBITS <i>Exhibit J to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>44</u>	EXHIBITS <i>Exhibit K to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>45</u>	EXHIBITS <i>Exhibit L to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>46</u>	EXHIBITS <i>Exhibit M to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	<u>47</u>	EXHIBITS <i>Exhibit N to Joint Statement of Undisputed Facts</i> filed byInterstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)

07/21/2008	48	EXHIBITS <i>Exhibit O to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	49	EXHIBITS <i>Exhibit P to Joint Statement of Unisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	50	EXHIBITS <i>Exhibit Q to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	51	EXHIBITS <i>Exhibit R to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	52	EXHIBITS <i>Exhibit S to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	53	EXHIBITS <i>Exhibit T to Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	54	EXHIBITS <i>Exhibit U to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	55	EXHIBITS <i>Exhibit V to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	56	EXHIBITS <i>Exhibit W to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	57	EXHIBITS <i>Exhibit X to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	58	EXHIBITS <i>Exhibit Z to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	59	EXHIBITS <i>Exhibit AA to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	60	EXHIBITS <i>Exhibits BB to Joint Statement of Unidsputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	61	EXHIBITS <i>Exhibits CC to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on

		7/21/2008) (Entered: 07/21/2008)
07/21/2008	62	EXHIBITS <i>Exhibit DD to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/21/2008	63	MOTION for Summary Judgment filed by United National Insurance Company. Motion Hearing set for 8/18/2008 02:00 PM in Courtroom 15, 18th Floor, San Francisco. (Attachments: # 1 Signature Page (Declarations/Stipulations) Declaration of Diane Cruz in Support of Defendant and Counterclaimant United National's Motion for Summary Judgment, # 2 Signature Page (Declarations/Stipulations) Declaration of Thomas Nienow in Support of Defendant and Counterclaimant United National's Motion for Summary Judgment, # 3 Proposed Order [Proposed] Order Granting Defendant and Counterclaimant United's Motion for Summary Judgment)(Nienow, Thomas) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/22/2008	64	EXHIBITS re 27 Notice of Appearance, 31 Joinder <i>Exhibit Y to Joint Statement of Undisputed Facts</i> filed by Interstate Fire & Casualty Company. (Related document(s) 27 , 31) (Borders, Christopher) (Filed on 7/22/2008) (Entered: 07/22/2008)
07/31/2008	65	ORDER TO SHOW CAUSE Re: Transfer to the District of New Mexico Show Cause Response due by 8/13/2008.. Signed by Judge Marilyn H. Patel on 7/30/08. (fj, COURT STAFF) (Filed on 7/31/2008) (Entered: 07/31/2008)
08/04/2008	66	Memorandum in Opposition to <i>Interstate's Motion for Summary Judgment</i> filed by United National Insurance Company. (Nienow, Thomas) (Filed on 8/4/2008) (Entered: 08/04/2008)
08/05/2008	67	Memorandum in Opposition to <i>United National's Motion for Summary Judgment</i> filed by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 8/5/2008) (Entered: 08/05/2008)
08/05/2008	68	OBJECTIONS to re 67 Memorandum in Opposition <i>Objections to the Declaration of Diane Cruz in Support of United National Insurance Company's Motion for Summary Judgment</i> by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 8/5/2008) (Entered: 08/05/2008)
08/12/2008	69	RESPONSE TO ORDER TO SHOW CAUSE by Interstate Fire & Casualty Company. (Borders, Christopher) (Filed on 8/12/2008) (Entered: 08/12/2008)
08/12/2008	70	RESPONSE TO ORDER TO SHOW CAUSE by United National Insurance Company and <i>Declaration of James C. Nielsen</i> . (Nienow, Thomas) (Filed on 8/12/2008) (Entered: 08/12/2008)
08/12/2008	71	RESPONSE to <i>Interstate's Evidentiary Objections</i> by United National Insurance Company. (Nienow, Thomas) (Filed on 8/12/2008) (Entered: 08/12/2008)
08/14/2008	72	CLERK'S NOTICE VACATING hearing date of 8/18/2008 (awb, COURT-STAFF) (Filed on 8/14/2008) (Entered: 08/14/2008)

08/22/2008	73	MEMORANDUM AND ORDER TRANSFERRING CASE to District of New Mexico; Signed by Judge Marilyn Hall Patel on 8/22/2008. (awb, COURT-STAFF) (Filed on 8/22/2008) (Entered: 08/22/2008)
08/29/2008	74	CLERK'S NOTICE: Case Transferred Electronically to District of New Mexico. (gba, COURT STAFF) (Filed on 8/29/2008) (Entered: 08/29/2008)